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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 040388/0110

In re patent application of

Jean-Francois BACH *et al.*

Serial No. 08/986,568

Group Art Unit: 1644

Filed: December 5, 1997

Examiner: D. Saunders

For: *METHOD FOR TREATING ESTABLISHED SPONTANEOUS  
AUTO-IMMUNE DISEASES IN MAMMALS*

**REQUEST FOR RECONSIDERATION**  
**UNDER 37 C.F.R. §1.111**

**RECEIVED**

DEC 26 2002

Assistant Commissioner for Patents  
Washington, D.C. 20231

TECH CENTER 1600/2900

Sir:

This communication is responsive to the Office Action mailed on June 11, 2002, in relation to the above-captioned case.

Petition is hereby made for a three month extension of time up to and including December 11, 2002. A check is attached in full payment of all fees believed to be due in connection with submission of this paper. If the amount is incorrect, however, the Commissioner is authorized to make appropriate charges or credits to Deposit Account No. 19-0741 to provide exact payment.

Reconsideration and reexamination of the application in light of the remarks herein set forth is respectfully requested.

**REMARKS**

After final rejection, applicants appealed claims 1, 2, 4-7, 9-13 and 16-18 to the Board of Patent Appeals and Interferences. The Board identified a new ground for rejecting claim 1 under 35 U.S.C. § 102(b), based upon Chatenoud *et al.* All other grounds for rejection were reversed, and so only the anticipation rejection of claim 1 remained. As the board's new rejection was based on a theory of inherency, applicants narrowed the claims to encompass treating humans.

In defiance of 37 C.F.R. 1.198 and MPEP §1214.01, the examiner reopened prosecution of the instant application. Besides being specifically prohibited, the